REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance or into better condition for appeal.

Claims 9-31 are pending. No new matter is added herein.

It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. The remarks presented herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these remarks are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 9-12, 27 and 28 were rejected under 35 U.S.C. 102(e) allegedly as being anticipated by Matsuzaki et al. (U.S. Patent No. 6,289,314); claims 13-18 and 29 were rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Matsuzaki et al.; claims 19-24, 30 and 31 were rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Matsuzaki et al. in view of Christiano (U.S. Patent No. 5,671,412); and claims 25 and 26 were rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Matsuzaki et al. in view of Christiano and further in view of Shimakawa et al. (U.S. Patent No. 6,502,124). The rejections are traversed. None of the cited documents teach, enable, suggest or motivate a skilled artisan to practice the instantly claimed invention.

The instant invention is directed to a first information processing apparatus that is capable of transferring encrypted information to a second information processing apparatus, both information processing apparatuses owned by the same user. None of the references relied upon

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by the Final Office Action, however, provide for transferring encrypted information from a first to a second information processing apparatus, both owned by the same user, based on ID information stored in the second information processing apparatus as instantly claimed. Support for the recitations in the claims is found throughout the specification, and particularly, on page 70, line 16 to page 78, line 16.

For example, claim 9, recites in part, "An information processing apparatus...comprising...judgment means... **wherein said judgment means performs the judging based on ID information stored to the storage area of said destination information processing apparatus in said usage control status**." (Underlining and Bold added for emphasis.)

Matsuzaki fails to teach, enable, suggest or motivate a skilled artisan to practice such an invention. Matsuzaki relates to a pay information providing system capable of obtaining charge for use in response to an actual degree of use on the user's side (column 3, lines 41-44). In contrast, the instantly claimed invention provides judgment means for judging based on ID information stored in the storage area of the destination information processing apparatus in the usage control status, which is neither taught nor suggested in Matsuzaki.

Matsuzaki discloses a server that distributes, for example, music data, to a plurality of receiving equipment or information processing apparatuses owned by a plurality of users. Therefore, one piece of information is simultaneously sent to a group of users or to a group of information processing apparatuses owned by different users.

In contrast, in the present invention, a server distributes, for example, music data, to one information processing apparatus owned by one user. The user, in turn, is permitted to transfer such music data distributed by the server and downloaded to the user's first information

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processing apparatus to a second information processing apparatus owned by the same user. Allowing or not allowing the user to distribute information, from one information processing apparatus to another information processing apparatus owned by the same user, however, is made based on the ID information of the second information processing apparatus. Thus, in a preferred embodiment, a piece of information is sent to one user, who then is permitted or not permitted to transfer such information under certain circumstances.

One acceptable circumstance under which a user can transfer information from a first to a second information processing apparatus is after a comparison is made between the usage control status of the first information processing apparatus and the usage control status of the second information processing apparatus, both information processing apparatuses being owned by the same user. If the usage control status of the first and the second information processing apparatuses coincide, then such a transfer is permitted to be performed by the user.

Thus, once it is determined that the second information processing apparatus is permitted to receive information because of the usage control status comparison, then such information can be distributed to the second information processing apparatus. Matsuzaki does not mention anything concerning a user (not a server) transferring information from a first to a second information processing apparatus and a comparison being made between the usage control statuses of such information processing apparatuses owned by the same user.

In addition, Christiano and Shimakawa do not remedy the inherent deficiencies of Matsuzaki. Neither Christiano, nor Shimakawa disclose transferring information from a first to a second information processing apparatus by a user.
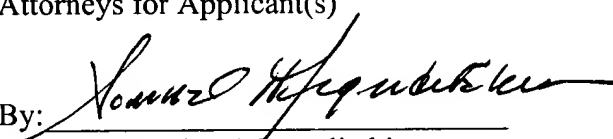
Therefore, the instant claims are believed to be distinguishable from Matsuzaki, Christiano and Shimakawa for at least the reasons stated above. The Examiner is invited to contact the undersigned to schedule a telephone interview to discuss any aspect of this paper.

Consequently, reconsideration and withdrawal of the section 102 and 103 rejections are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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